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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/053,521
Filing Date: January 18, 2002
Appellant(s): KODOSKY ET AL.

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Technology Center 2100

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For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 02/20/2007 appealing from the Office action mailed

09/18/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Blake et al., (U.S. Patent No. 5,574,854), 11-12-1996

Bilger, (U.S. Patent No. 6,912,429 B1), 06-28-2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

4.0   Claims 2-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blake et

al. (U.S. Patent No. 5,574,854), in view of Bilger (U.S. Patent No. 6,912,429).

In considering the independent claim 2, 17-18, Blake et al. substantially teaches a

system for performing a simulation, in particular: a first program *(fig.23 (2302), col.1 line 17-*

col.3 line 36); a measurement/control program *(fig.23 (2301), col.1 line 17-col.3 line 36, also*

col.49 line 56-col.50 line 41); a simulation program *(fig.23 (2303), col.1 line 17-col.3 line 36,*

also col.49 line 56-col.50 line 41); and an input device *(see fig.1-3, 23, also col.1 line 17-col.3*

line 36, also col.49 line 56-col.50 line 41); wherein the first program is operable to: receive a

request for input from the measurement/control program *(see fig.1-3, 23, also col.1 line 17-col.3*

line 36, also col.49 line 56-col.50 line 41); selectively route the request for input, depending on

whether the system is in simulation mode, wherein selectively routing the request for input

comprises: routing the request for input to the simulation program if the system is in simulation

mode *(see fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41)*; and

routing the request for input to the input device if the system is not in simulation mode *(see*

fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41). However,

Blake et al. does not expressly teach determine whether the system is in simulation mode; and

wherein the system can be configured to turn a simulation mode either on or off. Bilger

substantially teaches determine whether the system is in simulation mode *(col.22 lines 17-45)*;

and wherein the system can be configured to turn a simulation mode either on or off *(col.22 lines*

17-45). Bilger further teaches an input/output device *(fig.1 (8)* and further teaches connectivity

capability between device, and the ability of remote access via the Internet *(col.26 line 66-*

col.27 line 30). It would have been obvious to one ordinary skilled in the art at the time of the

applicant's invention to combine the home automation system and method of Bilger with the

simulation method and system of Blake et al. for the purpose of turning on/off and controlling

the mode of simulation because Bilger teaches the advantage of using the attributes default set

up in Cross to minimize time required to program Cross *(col.26 lines 24-40).*

With regards to claim 3, the combine teachings of Blake et al. and Bilger

substantially teach that the measurement/control program performs the request for input

identically, regardless of whether or not the system is in simulation mode *(see Blake et al. fig.1-*

3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41); also Bilger col.22

lines 17-45).

As per claim 4, the combine teachings of Blake et al. and Bilger substantially

teach the output device *(see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also*

col.49 line 56-col.50 line 41); also Bilger fig.1 (8); wherein the first program is further operable

to: receive a request for output from the measurement/control program *(see Blake et al. fig.1-3,*

20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41); and selectively route

the request for output, depending on whether the system is in simulation mode, wherein

selectively routing the request for output comprises: routing the request for output to the

simulation program if the system is in simulation mode *(see Blake et al. fig.1-3, 20-23, also*

col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41); routing the request for output to

the output device if the system is not in simulation mode *(see Blake et al. fig.1-3, 20-23, also*

col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41).

Regarding claim 5, the combine teachings of Blake et al. and Bilger substantially

teach that the first program determines that the system is in simulation mode and routes the

request for input to the simulation program *(see Blake et al. fig.1-3, 20-23, also col.1 line 17-*

col.3 line 36, also col.49 line 56-col.50 line 41); also Bilger col.22 lines 17-45); wherein the first

program is further operable to: receive results for the input request from the simulation

program *(see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-*

col.50 line 41); and pass the results received from the simulation program to the

measurement/control program *(see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36,*

also col.49 line 56-col.50 line 41).

With regards to claim 6, the combine teachings of Blake et al. and Bilger

substantially teach that the request for input comprises a request for input through a first I/O

channel *(see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50*

line 41); wherein the first program is further operable to determine that the first I/O channel is

mapped to a first software routine of the simulation program *(see Blake et al. fig.1-3, 20-23, also*

col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41); wherein said routing the request

for input to the simulation program comprises routing the request for input to the first software

routine of the simulation program *(see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36,*

also col.49 line 56-col.50 line 41).

As per claim 7, the combine teachings of Blake et al. and Bilger substantially

teach a configuration program *(see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36,*

also col.49 line 56-col.50 line 41); wherein the configuration program is operable to map the first

I/O channel to the first software routine of the simulation program in response to user input

requesting the first I/O channel to be mapped to the first software routine of the simulation program *(see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41).*

Regarding claim 8, the combine teachings of Blake et al. and Bilger substantially teach a configuration program *(see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41)*;wherein the configuration program is operable to turn the simulation mode either on or off in response to user input *(see Blake et al. fig.1-3, 8, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41); also Bilger col.22 lines 17-45).*

As per claim 9, the combine teachings of Blake et al. and Bilger substantially teach that the simulation mode can be turned on and off without requiring the measurement/control program to be modified, wherein the measurement /control program operates correctly, regardless of whether or not the system is in simulation mode *(see Blake et al. fig.1-3, 8, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41); also Bilger col.22 lines 17-45).*

With regards to claim 10, the combine teachings of Blake et al. and Bilger substantially teach the a first computer system, wherein the input device is coupled to the first computer system *(see Blake et al. fig.1-3, 8, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41); also Bilger fig.1*; wherein the measurement/control program executes on the first computer system *(see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41).*

Regarding claim 11, the combine teachings of Blake et al. and Bilger substantially

teach that the simulation program also executes on the first computer system *(see Blake et al.*

fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41).

As per claim 12, the combine teachings of Blake et al. and Bilger substantially

teach a second computer system, wherein the second computer system is coupled to the first

computer system by a network *(see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36,*

also col.49 line 56-col.50 line 41); also Bilger fig.1); wherein the simulation program executes

on the second computer system *(see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36,*

also col.49 line 56-col.50 line 41); also Bilger fig.1).

With regards to claim 13, the combine teachings of Blake et al. and Bilger

substantially teach that the simulation program is operable to simulate a physical system *(see*

Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41);

also Bilger fig.1 & its description).

Regarding claim 14, the combine teachings of Blake et al. and Bilger substantially

teach that the simulation program is operable to simulate operation of a device *(see Blake et al.*

fig.1-3, 10A-10B, 23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41); also

Bilger fig.1, 7-10 & their description).

As per claim 15, the combine teachings of Blake et al. and Bilger substantially

teach that the measurement/control program comprises a graphical program, wherein the

graphical program comprises a plurality of interconnected nodes that visually indicate

functionality of the graphical program *(see Blake et.al. fig.1-3, 10A-10B, 23, also col.1 line 17-*

col.3 line 36, also col.49 line 56-col.50 line 41); also Bilger col.26 line 24-col.27 line 30 and

col.22 lines 17-45).

With regards to claim 16, the combine teachings of Blake et al. and Bilger

substantially teach that the simulation program comprises a graphical program, wherein the

graphical program comprises a plurality of interconnected nodes that visually indicate

functionality of the graphical program *(see Blake et al. fig.1-3, 10A-10B, 23, also col.1 line 17-*

col.3 line 36, also col.49 line 56-col.50 line 41); also Bilger col.26 line 24-col.27 line 30 and

col.22 lines 17-45).

(10) Response to Arguments

Regarding claims 2,

Appellant argues:

"Blake teaches nothing at all about the Real-Time logger 2302 selectively routing a request

for input to either the simulator or to an input device and that there is simply no teaching

whatsoever of the Real-Time Logger 2302 routing the service requests to anything other

than the simulator".

The Examiner respectfully disagrees and asserts that Blake et al. teaches a method and

system for simulating the execution of computer program including a computer system that

simulates an execution of a client program that requests services of a first server program *(see*

fig.23, also col.3 lines 10-15). During execution of the client program, the requests for services

are logged and a simulation program receives the logged requests for services and requests a

second server program to simulate the behavior of the requested service *(see fig.23, also col.3*

lines 10-36).

Regarding Appellant assertion that **"Blake clearly does not teach the limitation of claim 2 and that the combination of Blake with Bilger still does not teach or suggest the concept of a first program that is operable to selectively route request for input to either a simulation program or an input device; and that there is simply no teaching or suggestion in the references, taken singly or in combination, regarding selectively routing a request for input to either a simulation program or to an input device".**

The Examiner again respectfully disagrees and asserts that figures 23 of Blake et al. teaches services requests of the application program (2301) intercepts by the Real-Time Logger (2302) and selectively sends a request for input to the simulator program (2303) *(see col.49 lines 56-62)*. The simulator program then maps the received requests to service requests and the new server program (2304) processes these requests and passed the results back to the simulator program through which these results are routed back to the Logger which returns them to the application program (2301) *(see fig.23, col.49 line 56-col.50 line 3; also see col.3 lines 10-36)*.

As per Appellant assertion that **"Appellant can find no teaching in Blake of a first program operable to receive a request for input from a measurement/control program, as recited in claim 2".**

The Examiner respectfully disagrees and notes that the simulator program does the request for input from the Real-Time Logger program, which the Examiner interprets to be a substantial equivalence the measurement/control program *(see fig.23, col.3 lines 10-36 and col.49 line 56-col.50 line 3)*. The method and system of Blake et al. includes a computer system that simulates the execution of a client program that requests services of a first server program *(see fig.23, also col.3 lines 10-15)*. During execution of the client program, the requests for

services are logged and a simulation program receives the logged requests for services and

requests a second server program to simulate the behavior of the requested service *(see fig.23,*

also col.3 lines 10-36).

Regarding Appellant assertion that **"there is no clear and particular teaching or**

suggestion in the prior art for combining Bilger with Blake and that claim 2, 17 and 18 are

patentably distinct over the cited prior art" is acknowledged. However, the Examiner notes

that the ground of rejection above clearly shows a complete mapping of the cited prior art to the

instant claims addressing all claims limitations. In the above ground of rejection, the Examiner

points to specific portion of the references for reasons/motivation to combine the references

and that a prima facie has been established. Therefore the Examiner has properly rejection the

claims in accordance with the practices and procedures set forth in the MPEP.

Regarding claim 3,

Appellant argues:

"The cited references, taken either singly or in combination, do not teach a

measurement/control program that performs a request for input, where the request for

input is received by a first program, and wherein the measurement/control program

performed the request for input identically, regardless of whether or not the system is in

simulation mode".

The Examiner respectfully disagrees and asserts that the Real-Time Logger program,

which the Examiner interprets to be a substantial equivalence the measurement/control program,

does performs the request for input to the simulator program *(see fig.23, col.3 lines 10-36 and*

col.49 line 56-col.50 line 3). In the method and system of Blake et al., whether or not the system

is in simulation mode, a computer system simulates the execution of a client program requests

service of a first server program *(see fig.23, also col.3 lines 10-15)*. During execution of the

client program, the requests for services are logged and a simulation program receives the logged

requests for services and requests a second server program to simulate the behavior of the

requested service *(see fig.23, also col.3 lines 10-36)*. Blake et al. further teaches that services

requests of the application program (2301) intercepts by the Real-Time Logger (2302), which

selectively sends a request for input to the simulator program (2303) *(see col.49 lines 56-62)*.

Whether or not the system is in simulation mode, the simulator program then maps the received

requests to service requests and the new server program (2304) processes these requests and

passed the results back to the simulator program through which these results are routed back to

the Logger which returns them to the application program (2301) *(see fig.23, col.49 line 56-

col.50 line 3; also see col.3 lines 10-36)*.

As per claim 4,

Appellant argues:

"The cited references, taken either singly or in combination, do not teach selectively

routing a request for output to either a simulation program or to an output device,

depending whether a system is in simulation mode".

The Examiner respectfully disagrees and asserts that Blake et al. fig.23 teaches that

services requests of the application program (2301) intercepts by the Real-Time Logger (2302),

which selectively sends a request for input to the simulator program (2303) *(see col.49 lines 56-

62)*. Whether or not the system is in simulation mode, the simulator program then maps the

received requests to service requests and send these request for outputs or results to the new

server program (2304) processes these requests and passed the result outputs back to the

simulator program through which these result outputs are routed back to the Logger which then

returns them to the application program (2301) *(see fig.23, col.49 line 56-col.50 line 3; also see*

col.3 lines 10-36).

Regarding claim 5,

Appellant argues:

"The cited references, taken either singly or in combination, do not teach a first

program operable to received results from an input request from a simulation program

and pass the results received from the simulation program to a measurement/control

program".

Again the Examiner respectfully disagrees and asserts that Blake et al. fig.23 teaches that

services requests of the application program (2301) intercepts by the Real-Time Logger (2302),

which selectively sends a request for input to the simulator program (2303) *(see col.49 lines 56-*

62). The simulator program then maps the received requests to service requests and send these

requests for results outputs to the new server program (2304), which receives these request from

the simulation program and processes these requests and passed the result outputs back to the

simulator program through which these result outputs are routed back to the Logger from the

simulation program which then returns them to the application program (2301) *(see fig.23, col.49*

line 56-col.50 line 3; also see col.3 lines 10-36).

As per claim 6,

Appellant argues:

"The cited references, taken either singly or in combination, do not teach these additional limitations".

The Examiner respectfully disagrees and asserts that the Real-Time Logger clearly shows an I/O wherein service requests are received from the application program (2301) by the Logger (2302), which then outputs/routes them to the simulation program (2303) of figure 23, also see col.49 line 56-64. The simulator program then maps the received requests to service requests and send these requests for results outputs to the new server program (2304), which receives these request from the simulation program and processes these requests and passed the result outputs back to the simulator program through which these result outputs are routed back to the Logger from the simulation program which then returns them to the application program (2301) *(see fig.23, col.49 line 56-col.50 line 3; also see col.3 lines 10-36)*. Nevertheless, Bilger, which is also relied upon substantially, teaches an I/O device *(fig.1 (8))*.

As per claim 10,

Appellant argues:

"The cited references, taken either singly or in combination, do not teach these additional limitations".

The Examiner respectfully disagrees and notes that fig.2 shows a plurality of system each equipped with its own OS and that the system of fig.3 of Blake et al. shows the Logger/input device couple to the computer system. However, Bilger, which is also relied upon in the rejection of the claims, shows in fig.1, an input/output device (8) couple to the computer system via a communication device (14). Blake et al. further teaches measurement/control program

substantially executes on the firth computer system *(see fig.2-3, 23, col.49 line 56-col.50 line 3;*

also col.5 line 8-col.6 line 19).

As per claim 12,

Appellant argues:

"The cited references, taken either singly or in combination, do not teach these

additional limitations".

The Examiner respectfully disagrees and notes that fig.2 shows a plurality of system each

equipped with its own Operating System and that the system of fig.3 of Blake et al. shows the

Logger/input device couple to the computer system. However, Bilger, which is also relied upon

in the rejection of the claims, shows in fig.1, the second system couple to the system via a

communication device (14). Blake et al. further teaches that the simulation program substantially

executes on the first computer system *(see fig.2-3, 23, col.3 lines 10-36 and col.49 line 56-col.50*

line 3; also see col.5 line 8-col.6 line 19).

As per claims 15 and 16,

Appellant argues:

"The cited references, taken either singly or in combination, do not teach the

concept of a graphical program that comprises a plurality of interconnected nodes that

visually indicate functionality of the graphical program".

The Examiner respectfully disagrees and asserts that Blake et al. fig.2-3 (210) does show

the graphical application program, also see col.5 line 7-col.6 line 19 and that the graphical

program comprises a plurality of nodes for visualizing the functionality of the graphical program

(also see fig.10A, 23, col.3 lines 10-36 and col.49 line 56-col.50 line 3).

Regarding Appellant assertion that **"the Examiner's rejection of claims 2-18 was**

erroneous, and reversal of the decision is respectfully requested" is acknowledged. However,

the Examiner, when applying the art has given the claims a broad reasonable interpretation in

light of the specification and has not read any additional limitations or meaning into the claims,

and therefore has properly rejection the claims and applied the art to the pending claims in

accordance with the practices and procedures set forth in the MPEP.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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